

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input checked="" type="checkbox"/> COPY
JUL 18 2006	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>ARIZONA</u> DEPUTY	

IN THE UNITED STATES
FOR THE DISTRICT OF

DOCKET NO.: CR-03-00355-REB

UNITED STATES OF AMERICA, :

Plaintiff :

vs.

IRVIN CEPI,

Defendant :

: AFFIDAVIT IN SUPPORT

: OF MOTION FOR EXTENSION

: OF TIME TO FILE MOTION

: TO VACATE, SET ASIDE,

: AND/OR CORRECT SENTENCE

: AND/OR CONVICTION PURSUANT

: TO 28 U.S.C. § 2255

AFFIDAVIT OF IRVIN CEPI

County of Martin :

•

•

•

•

ss

Commonwealth of Kentucky:

Mr. IRVIN CEPI, Pro Se, Defendant in the above titled action, being above 18 years of age, understanding the penalty and meaning of perjury, swears and deposes, stating the Following, in support of the attached motion:

1. My name is IRVIN CEPI. I am above 18 years of age. I fully understand and am fully cognizant of the elements and penalty of perjury. I make this statement

of my own Free will. No one has threatened or coerced me in any manner to say what I am saying in this affidavit.

2.) My conviction became affirmed by the Ninth Circuit Court of Appeals on June 24th, 2005. I had until September 24, 2005 to seek review of my case from the United States Supreme Court. I did not seek review of my case by the United States Supreme Court. Thus, the mandate of the Ninth Circuit Court of Appeals became Finalized on September 24, 2005.

3.) Because of the facts stated in paragraph 2 I would have, under the most liberal interpretation of the Antiterrorism and Effective Death Penalty Act, I have until September 24, 2006 to file a motion pursuant to 28 U.S.C. § 2255.

4.) On March 25, 2006 I was placed in the Special Housing Unit (SHU) on administrative detention. I have been in the SHU since that date, and I cannot foresee that I will be returning to general population anytime soon enough to file an adequate 28 U.S.C. § 2255 motion, by the date of September 24, 2006.

5.) Also, even though there is a Law Library in the SHU, it is literally in shambles. A lot of the law material is missing. Thus, because of this fact, which has been the case since March 25, 2006, I have not been able to do any research of my issues, or

File a motion pursuant to 28 U.S.C. § 2255 up until this point.

6.) Also, due to the fact that there is a bedspace shortage in the SHU, the Warden - Suzanne Hastings - here at Big Sandy USP - has authorized that inmates be housed in the SHU Law Library. Because of this - inmates living in the Law Library - I have never had the chance to ever use the SHU Law Library, to begin researching the mitigating factors in my case. Thus, I have not been able to file a 28 U.S.C. § 2255 motion thus far, and since the Warden here has not indicated that she plans on correcting and fixing the SHU Law Library, I do not foresee that I will be able to make the September 24, 2006 deadline.

7.) I only possess a 9th grade education and am a total layman to the law - federal or otherwise.

8.) Because of the facts stipulated and stated in the attached motion and paragraphs of this affidavit, I need an additional 6 (six) months to adequately prepare a motion to 28 U.S.C. § 2255.

9.) The requested extension of time is the only extension that I will need.

10.) Opposing counsel has been provided with a copy of this affidavit and attached motion, and has not objected to the requested extension.

11.) The government will not be prejudiced in any manner by the requested extension.

DECLARATION

I, IRVIN CEPI, Defendant, Pro Se, in the instant action, declare under the threat of penalty of perjury, pursuant to and in conjunction with 28 U.S.C. § 1746 et seq. that the foregoing is true and correct, to the best of my recollection and personal firsthand knowledge of the subject matter.

Dated: 7-08-06

By: Irvin Cepi
IRVIN CEPI, Affiant

CERTIFICATE OF SERVICE

This Certificate of Service hereby certifies that the following 'Motion Requesting An Extension of Time To File a 28 U.S.C. § 2255 Motion' and its supporting affidavit, have been sent to the below listed address, via First Class U.S. Mail, with proper postage affixed to the envelopes, this 8 day of July, 2006.

Addresses:

1.) Clerk, United States District Court
Sandra Day O'Connor Courthouse, Suite 130
401 W. Washington St, SPC 1
Phoenix, AZ 85003-2118

2.) Soo L. Sung, Esquire
Assistant United States Attorney
Two Renaissance Square
40 North Central Ave
Suite 1200
Phoenix, AZ 85004-4408

Respectfully Submitted,
Clavin Cepi
IRVIN CEPI, Pro Se
Reg. # 80191-008
USP Big Sandy
P.O. Box 2068
Inez, KY 41224